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October 8, 2020

VIA ECF

Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Tracy Jones o/b/o her minor son, M.J. v. City of New York et al.
1:20-CV-4411 (PGG)

Your Honor:

I am a Senior Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter. Defendant City writes, with the consent of counsel for plaintiff, Alexis Padilla, Esq., to respectfully request that the Court grant a 90-day enlargement of time to defendant to answer or otherwise respond to the Complaint from October 13, 2020 until January 11, 2020. Additionally, defendant respectfully requests a corresponding postponement for filing the joint letter and Proposed Civil Case Management Plan and Scheduling Order due to be filed by October 8, 2020, and an adjournment of the initial conference, presently scheduled for October 15, 2020 at 10:30 a.m., until a date and time after January 11, 2020, that is convenient to the Court.¹

Based on the allegations in the Complaint, there are several reasons for seeking an enlargement of time in this matter. In accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, the City needs time to investigate the allegations in the

¹ The undersigned is currently scheduled to begin a five-plaintiff jury trial on January 11, 2020, before the Honorable Sterling Johnson, Jr., in the Eastern District of New York. In the event the Court grants defendant's request, the undersigned respectfully requests the Court to schedule the initial conference to take place on or after January 25, 2021.

Complaint. By way of background, as set forth in the Complaint, plaintiff alleges, *inter alia*, that on February 14, 2020, M.J. was the target of excessive force at the hands of an unidentified ACS employee while at a group home administered and staffed by ACS. Furthermore, this office has requested plaintiff to execute authorizations for the release of any Family Court and ACS records that may be sealed, so that defendant City can access the information, evaluate the claims in the Complaint, and properly respond to the allegations therein.

Additionally, because plaintiff has alleged M.J. suffered physical injury as a result of the events complained of, this office has requested an authorization for the release of medical records, limited at this juncture, to records concerning treatment received as a result of the alleged incident, so that defendant City can properly assess the case and respond to the Complaint.

Finally, since Governor Cuomo issued his March 20, 2020 executive order mandating all non-essential businesses to close, the New York City Law Department has required that the vast majority of its employees work from home. Although phased reopening has begun in the City, the Law Department still requires its employees to work from home. Working from home continues to result in accessibility problems regarding documents and files. In addition, the Administration for Children's Services ("ACS"), whom the defendant City must communicate and coordinate with, is still facing its own communication and access challenges as they pursue compliance with Governor Cuomo's executive order and seek to protect the health and safety of the individuals in their organization. As a result, defendant believes that a 90-day enlargement will provide the time necessary to properly answer or otherwise respond to the Complaint.

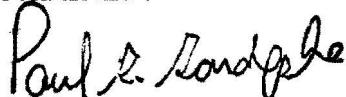
No previous request for an extension of time to respond to the complaint or request for an adjournment of the initial conference has been made by defendant City. Accordingly, defendant City respectfully requests an extension of its time to answer or otherwise respond to the complaint until January 11, 2020, and a corresponding postponement for filing the joint letter and Proposed Civil Case Management Plan and Scheduling Order due to be filed by October 8, 2020, and an adjournment of the initial conference, presently scheduled for October 15, 2020 at 10:30 a.m., until a date and time after January 11, 2020, that is convenient to the Court.

Thank you for your consideration herein.

MEMO ENDORSED

Defendant is directed to file an Answer or any response to the Complaint by January 11, 2021. The conference scheduled for October 13, 2020, is adjourned to January 28, 2021 at 10:45 a.m.

SO ORDERED.



Paul G. Gardephe
United States District Judge
October 9, 2020

Respectfully submitted,

/s/

Joseph Zangrilli
Senior Counsel